

Remarks

Claims 1-7 are pending in the application. Claims 1-7 are rejected. Claims 1, 6 and 7 are amended herein. Claim 2 is cancelled. No new matter is added. The rejections are respectfully traversed.

It is respectfully submitted that the finality of the Office Action is improper. The Examiner has failed to provide any basis for rejecting claim 2 in the present Office Action, or the Office Action dated March 3, 2003. In the amendment filed on May 3, 2003 by the Applicant, this deficiency was noted. The limitations of claim 2 are incorporated into claim 1 herein.

However, the Examiner has failed to indicate the status of claim 2 as allowable, or to apply the references in any way to claim 2. MPEP §706.07 clearly requires that "before final rejection is in order a clear issue should be developed between the Examiner and applicant." Indeed, the Manual states that "the references should be fully applied" (emphasis added), so as to deal justly with the applicant as well as the public.

The Applicant hereby requests the Examiner remove the finality of the Office Action.

Independent claims 1, 6 and 7 are rejected under 35 U.S.C 103(a) as being unpatentable over Hertz (WO 00/65517) in view of Mandler, et al. (U.S. Patent 5,732,400 –"Mandler").

Hertz describes a commercial transaction method whereby a buyer provides account information to a seller in order to pay for the desired goods or services, and the seller then confirms the account information with an account manager, e.g., a bank, see Hertz, page 6, lines 15-23. This is not what is claimed. This is exactly the type of system that is **not** desired by the user of the present invention.

The user of the present invention determines goods and services that the user sees presented on the personal access module and not the merchant systems. Hertz never describes or suggests specifying a commercial transaction for a user in a personal access module connected to the network, the personal access module operated only by the user as claimed.

According to Hertz, a user must access a vendor website to generate a commercial transaction specified by the vendor. Further, the user interacts directly with the vendor, not only with the financial institution, as claimed.

Further still, the Examiner asserts that Hertz teaches “receiving the commercial transaction in an apparatus/system having a personal access link (*website*).” The above phrase does not appear anywhere in the claims and is irrelevant to what is claimed. Claimed is receiving the commercial transaction in a personal access link configured to operate according to a profile determined by the user.

The Examiner is requested to point out, with specificity, where Hertz teaches a *personal access link configured to operate according to a profile determined by the user* as claimed.

The Examiner admits, and the Applicant agrees, that Hertz fails to disclose a financial institution system for receiving the commercial transaction depending on the profile determined by the user and a selected merchant system for receiving commercial transaction from the financial institution system depending on the profile determined by the user and the commercial transaction.

It would appear that Hertz fails to teach a single element of what is claimed. Therefore, Hertz can never be used to make the invention obvious.

Mandler describes a system for enabling on-line transactions between buyers and sellers having no *previous* relationship. Buyers apply to an on-line clearinghouse for credit approval and risk classification. The risk classification assigned to the buyer by the clearinghouse limits the buyers ability to transact with sellers. See. Col. 6, line 54- col. 7, line 3. A risk classification assigned by a clearinghouse is not a profile determined by a user.

In the invention, *the profile determined by the user* is generated prior to forwarding a specified commercial transaction to the financial institution. The commercial transaction is initially specified according to the profile

determined by the user. The personal access link for receiving the commercial transaction is configured to operate according to a profile determined by the user.

The Applicant requests the Examiner explain how the personal access link could possibly be configured to operate according to Mandler's risk classification prior to the clearinghouse of Mandler having any contact at all with the user.

The Applicant has argued, in the response to the March 3, 2003 office action, that the risk classification described by Mandler is certainly *not* a profile determined by the user according to the invention. However, even if it were, the risk classification is generated by the financial clearing house after contact with the user. In the invention, the profile determined by the user exists *before any transaction is specified*.

The profile is determined *prior to* forwarding the commercial transaction to a financial institution system depending on the profile determined by the user and forwarding the commercial transaction from the financial institution system to a selected merchant system depending on the profile determined by the user and the commercial transaction.

Therefore, Mandler cannot teach what is claimed. The clearinghouse described by Mandler cannot determine a risk classification of a buyer prior

to any contact with the buyer. Also, the profile determined by the user as claimed is not generated by the financial institution as in Mandler.

In view of the foregoing, the applicant respectfully requests the Examiner reconsider and withdraw his rejection of independent claims 1, 6 and 7 as well as their dependencies.

The Examiner has not addressed claim 2, and no reasons are given for rejecting claim 2. Therefore, it is assumed that currently amended claim 1, which now incorporates the limitations of cancelled claim 2, is allowable since neither references describe, show or suggest a mobile agent to generate and update a user profile as claimed.

It is further respectfully submitted that the applied combination of art also lacks numerous features recited in the pending depending claims. For example, claim 3 requires that the personal access module identifies the user and a method of payment.

Nowhere does Hertz describe the PAM identifying the user and method of payment as claimed.

Hertz, at page 2, lines 3-9 and page 4, lines 15-24 describes the account owner providing identification information to an account manager from a user terminal. This is not the personal access module identifies the user and a method of payment as claimed.

Claim 4 requires that the personal access link is a web site operated by the financial institution system. However, the personal access link as claimed receives commercial transactions and is configured to operate according to a profile determined by the user.

Hertz describes none of what is claimed here. In fact, Hertz, at page 4, lines 15-24 teaches that “transactions can be consummated through Internet sites of sellers.” This, again, is exactly the type of system that is **not** desired by the user of the present invention.

Claim 5 requires that the financial institution system is coupled to a plurality of merchant systems. As discussed with respect to claim 4, Hertz describes the user consummates transactions directly with sellers. The account manages described in Hertz is not coupled to a plurality of merchant systems as claimed.

The claimed coupling is of a form whereby the commercial transaction forwarded to the financial institution system depending on the profile determined by the user can be forwarded from the financial institution system to a selected merchant system depending on the profile determined by the user and the commercial transaction. Nowhere does Hertz describe the financial institution system is coupled to a plurality of merchant systems as claimed.

All rejections have been complied with, and applicant respectfully submits that the application is now in condition for allowance. The applicant urges the Examiner to contact the applicant's attorney at phone and address indicated below if assistance is required to move the present application to allowance. Please charge any shortages in fees in connection with this filing to Deposit Account 50-0749.

Respectfully submitted,
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